



PATENT  
Attorney Docket No: ITLV-00107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|   |   |  |
|---|---|--|
| In re Application of:   | ) | Group Art Unit: 2161                       |
|   | ) |  |
| Robert Olan Keith Jr.   | ) | Examiner: Nguyen, CamLinh T                |
|   | ) |  |
| Serial No.: 09/800,566  | ) |  |
|   | ) |  |
| Filed: March 6, 2001  | ) | <b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b> |
|   | ) |  |
| For: <b>METHOD AND APPARATUS FOR ACCESSING DATA WITHIN AN ELECTRONIC SYSTEM BY AN EXTERNAL SYSTEM</b> | ) | 162 North Wolfe Road                       |
|   | ) | Sunnyvale, California 94086                |
|   | ) | (408)530-9700                              |
|   | ) |  |
|   | ) | Customer No.: 28960                        |

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

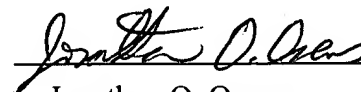
This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets.

I am the attorney of record.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Date: August 10, 2006

By:   
Jonathan O. Owens  
Reg. No. 37,902  
Attorneys for Applicant

### **REMARKS**

The Applicant respectfully requests further examination and reconsideration in view of the arguments set forth fully below. Claims 1-7, 9-15, 17-23, 25-29, 31 and 32 were previously pending in this application. Within the Office Action mailed on June 12, 2006, Claims 1-7, 9-15, 17-23, 25-29, 31 and 32 have been rejected.

#### **Rejections under 35 U.S.C. § 103**

Within the Office Action, Claims 1-7, 9-15, 17-23, 25-29, 31 and 32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,778,367 to Wesinger Jr. et al. ("Wesinger") in view of U.S. Patent No. 5,613,110 to Stuart ("Stuart"). The applicant respectfully disagrees because Wesinger does not teach that each utilization of the search module includes the availability of all types of available searches at any location within the database.

Wesinger teaches an automated on-line information service and directory, particularly for the world wide web. Wesinger teaches that a computer network and a database are used to provide a hardware-independent, dynamic information system in which the information content is entirely user-controlled. [Wesinger, Abstract] When accessing the database, Wesinger teaches that the user is given the options of searching the database, adding a new entry, updating an existing entry, changing the user's password or logging in. [Wesinger, col. 5, lines 23-25] Wesinger further teaches that when the user selects the Search option, the user is allowed to select between different searching methods, including searching by Categories (going through a categories list), by Example (querying each field of the entries), and by Keyword (specifying a keyword). [Wesinger, col. 5, lines 30-40, Figure 2H] Wesinger does not teach that each utilization of the search module includes the availability of all types of available searches at any location within the database.

As recognized within the Office Action, Wesinger does not teach a dichotomous key search. Wesinger does not teach performing a search in which for any given searching step, at any location within the database, four different search methodologies are available to be used to perform the search. Specifically, Wesinger does not teach that any of a keyword search, hierarchical search, dichotomous key search and parametric search can be used at any location within the database. Wesinger only teaches searching the entire database, but not limiting the search to a segment or sub-segment of the database.

Within the Response to Arguments section it is stated

[r]eferring to Fig. 2H, col. 5, lines 30-40, Wesinger teaches that the system allows the user move quickly within the WebBook by selecting different search options including go to the main page. The main page includes different search options. Therefore, at any location within the searchable database, the user can go back to the search option page and selects another option. [Office Action, page 6]

This argument does not represent that each search option is available at any location within the database. This argument provided within the Office Action, represents that the search options are *only* available at the main page, not at any location within the database.

Stuart teaches an indexing method and apparatus facilitating a binary search of digital data. Stuart teaches that an ordered index file is created for archived report data wherein each index file contains a series of 4-byte offsets into the report data. [Stuart, Abstract] Stuart also teaches that upon later retrieval from the report data, a binary search is performed for a key(s) that is contained in a search query, using the index field offsets to determine the order in which to retrieve the report data fields. [Stuart, Abstract] According to the teachings of Stuart, the binary search resolves each key in the search query to a range of index offsets corresponding to report rows that match the query. [Stuart, Abstract] This binary search is not a dichotomous key search, as taught and claimed in the present invention.

Stuart also does not teach performing a search in which for any given searching step, at any location within the database, four different search methodologies are available to be used to perform the search. There is no motivation to warrant the combination of Wesinger and Stuart. For all the reasons stated in the Amendment and Response To The Office Action Dated December 28, 2005, which was filed on March 27, 2006, there is no hint, teaching or suggestion in either of Wesinger or Stuart to warrant their combination.

Even if considered proper, the combination of Wesinger and Stuart does not teach performing a search in which for any given searching step, at any location within the database, four different search methodologies are available to be used to perform the search. Neither, Wesinger, Stuart nor their combination teach that each utilization of the search module includes the availability of all types of available searches at any location within the database.

In contrast to the teachings of Wesinger and Stuart, the method of and apparatus for performing a research task of the present invention, interchangeably utilizes a multitude of search methodologies. Specifically, utilizing a search module, a user is able to selectively utilize one or

more search methodologies including keyword search, hierarchical search, dichotomous key search and parametric search to correlate a search criteria to a searchable database for generating one or more matching items. It is further taught within the present specification that

[a]t each node within the tree, the user is presented with the option of using any one or combinations of the four search methodologies utilized by the research system. The four search methodologies are keyword search, hierarchical tree search, dichotomous key search, and parametric search. Regardless as to which search methodology or search methodologies are used to reach a particular node, the user can utilize any of the four search methodologies to further refine the search and move further down the directory tree structure. The user may also navigate back up the directory tree structure to a higher node, and once again have the option to use any of the four search methodologies to refine the search from the current node and move further down the directory tree structure. [Present Specification, page 43, lines 6-15].

Therefore, a user is able to navigate the directory tree structure, utilizing any one of the four search methodologies in any combination to reach the desired result. As discussed above, neither Wesinger, Stuart nor their combination teach that each utilization of the search module includes the availability of all types of available searches at any location within the database. As discussed above, Wesinger teaches that search options are *only* available at the main page, not at any location within the database.

Each of the pending independent claims include the limitation specifying that *each utilization of the research module includes availability of each search at any location within the searchable database*. As described above, the combination of Wesinger and Stuart is not proper. As further discussed above, even if considered proper, neither Wesinger, Stuart nor their combination teach that utilizing the research module, each of the search methodologies are available at any location within the database. As discussed above, Wesinger teaches that search options are *only* available at the main page, not at any location within the database. For at least these reasons, the independent Claims 1, 9, 17, 25, 31 and 32, and their corresponding dependent claims, are allowable over the teachings of Wesinger, Stuart and their combination.

For the reasons given above, Applicant respectfully submits that claims 1-7, 9-15, 17-23, 25-29, 31 and 32 are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, she is encouraged to call the undersigned attorney at (408) 530-9700.